



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: April 25, 2006

Department: Zoning, Building and Planning **Staff Contact:** Mari Simbaña, Program Planner

TITLE: CONSENT: Special Use Permit for a Planned Development Area (CSU-50014)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the March 1, 2006 public hearing, the County Planning Commission voted (7-0) to recommend approval of a Special Use Permit for a Planned Development Area on Tract A1, LD-88-51, Lands of Wayne Dow, located 1328 Old US 66, approximately ¼ mile west of NM 217, zoned A-2, containing approximately 2.9 acres. The decision was based on the following four (4) Findings and subject to the following ten (10) Conditions:

Findings:

1. This is a request for a Special Use Permit for a Planned Development Area on Tract A1, LD-88-51, Lands of Wayne Dow, located 1328 Old US 66, approximately ¼ mile west of NM 217, zoned A-2 and containing approximately 2.9 acres.
2. The property is within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. This request is consistent with Resolution 116-86, in that this land use is more advantageous to the community in that it encourages a small-scale, locally-owned and operated industry that complements residential areas and reduces the need to travel as articulated in Policies 3.g, 6.a, 6.b & 6.g of the Albuquerque/Bernalillo County Comprehensive Plan.
4. This request is consistent with the (East Mountain Area Plan, Land use Objective 11c; Land Use policy #10) in that it maintains a community scale commercial use that meets the needs of the area.

Conditions:

1. In the event of future residential uses developed adjacent to the subject site, a solid wall or fence at least six feet high shall be erected within 120 days from the date of residential construction and shall be erected on sides abutting any residential uses.
2. Lighting shall be site-specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent lots.

3. No outdoor speakers or amplified sound systems shall be permitted.
4. The front yard, 10-foot landscape buffer, incorporating native vegetation, shall be maintained by the property owner.
5. The two southern office buildings shall be no closer than 50 feet from the property line to minimize any impacts on the neighboring properties.
6. The specific uses shall be limited to the following:
 - I. Prohibited Uses:
 - A. Any use not designated a permitted use unless otherwise specifically authorized by the County, or
 - B. Any use not recognized as customarily incidental to a permitted use in the zone.
 - C. Open storage of inoperative vehicles or auto parts.
 - D. Adult bookstores, adult entertainment, adult amusement and related facilities will not be permitted.
 - E. No liquor sales of any type will be permitted.
 - F. Open storage of trash, junk or hazardous waste.
 - G. Open storage of large appliances.
 - H. Deliveries to the property by truck will be prohibited between the hours 10:00 PM and 6:00 AM.
 - II. Permitted Uses - The buildings and premises shall be used only for the following purposes:
 - (A) Sign, provided:
 - (1) Location Criteria. It is located on private property and advertises, identifies, or directs to a use currently conducted on the same premises.
 - (2) Number of Signs.
 - (a) One freestanding, two-sided composite group of signs no higher than 14 feet located at the entrance to the property, and
 - (b) One additional sign is permitted for each business. All such signs shall be located on the buildings and the total area of any one sign face shall not exceed 32 square feet.
 - (3) Illuminated Signs. Illuminated signs, except illuminated clocks, thermometers, and illuminated signs within a building, shall be turned off at 11:00 p.m. or closing, whichever is earlier. No illuminated signs shall be so located as to shine directly into adjacent conforming residential property.
 - (4) Blinking and Revolving Signs. No flashing, oscillating, osculating, revolving or blinking signs shall be allowed.
 - (5) Audible Devices. The sign shall have no audible devices.
 - (B) One mobile home or travel trailer for a watchman or caretaker on the property during the construction of the initial building(s).
 - (C) Temporary storage building or yard for equipment, material or activity incidental to a specific construction project but not to exceed one year.
 - (D) Unobtrusive satellite dishes.

(E) Restaurant, including catering and curbside sales, but not including drive-up facilities and no alcoholic drink may be sold. This use will be limited to the building identified on the site plan as Café/Restaurant.

(F) Retail – Retail sales of the following goods and services, plus incidental retailing of related goods and incidental service or repair are permitted uses for the building designated on the site plan as Office/Retail and the building identified as Café/Restaurant:

- (8) Construction materials such as carpet, tile, wallpaper, light fixtures, and water purification and storage systems.
- (9) Copying, mailing, shipping, faxing and computer services establishment.
- (10) Delivery service.
- (11) Drugstore.
- (12) Florist.
- (13) Gift Shop.
- (14) Grocery, fruit, vegetable or delicatessen store, meat market.
- (15) Hardware Store.
- (16) Health gymnasium.
- (17) Interior decorating shop.
- (18) Jewelry store.
- (19) Mortgage lending.
- (20) Medical/Dental clinic and supplies.
- (21) Non commercial library, museum and art gallery.
- (22) Notions store.
- (23) Paint store.
- (24) Pet shop, bird store, not to include boarding of animals inside or outside.
- (25) Photography studio.
- (26) Physical Therapy/shop for construction of prosthetics.
- (27) Sporting goods, gunsmithing and repair.
- (28) Studio for instruction in music or dance.

(G) Office – Office uses will also be permitted for the building designated on the site plan as Office/Retail.

(H) Workspace, Office/Warehouse – the following are permitted uses for the buildings designated on the site plan as Workspace and/or Office/Warehouse:

- (1) Retail business, shop or workspace in which products may be manufactured, compounded, processed, assembled, repaired, or treated including carpentry, ceramics, artistic metal, fabric cutting and sewing, furniture making, upholstering, sign painting, shoe repair, televisions, making of rubber or metal stamps, interior decorating, catering, baking, confectionery making, weaving, or jewelry and curio making, provided it complies with the following requirements:
 - (a) All activities shall be conducted within a completely enclosed building.
 - (b) The number of persons engaged in the manufacturing, processing, assembling, or treating of products shall be limited to four in any one business, excluding office, clerical, or delivery personnel.
 - (c) Activities or products shall not be objectionable due to odor, dust, smoke, noise, vibration, hazardous waste, or other cause.

(2) Shop for the provision of customer, personal, or business services, including dry cleaning, building contractors and sub-contractors, provided it complies with the following requirements:

- (a) All activities shall be conducted within a completely enclosed building.
- (b) The number of persons engaged in working in the shop on a regular, full-time basis shall be limited to four in any one business, excluding office, clerical, delivery personnel, and employees working in the field.
- (c) Activities or products shall not be objectionable due to odor, dust, smoke, noise, vibration, hazardous waste, or other cause.

(3) Motorcycle, bicycle, motorized bicycle (moped), all terrain vehicle and small engine repairing, but no bodywork. Repairing shall be done within a completely enclosed building at least 50 feet from any residential zone.

(4) One Dwelling Unit.

- 7. The applicant shall submit to the Zoning Administrator, a revised site plan consistent with the conditions of this special use permit. These changes shall be submitted within 30 days from the date of final Board of County Commissioners approval.
- 8. The Special Use Permit is granted for the life of the use.
- 9. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
- 10. The foregoing Conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit, and shall be strictly complied with within one year.

ATTACHMENTS:

- 1. County Planning Commission Notice of Decision Letter (March 3, 2006)
- 2. County Planning Commission Information Packet

STAFF ANALYSIS SUMMARY

ZONING, BUILDING AND PLANNING DEPARTMENT:

Staff recommends approval